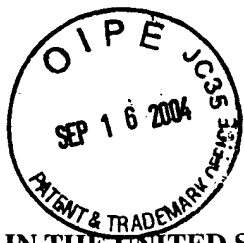


PATENT



ATTORNEY DOCKET NO. 114596-05-4013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/239,194 Confirmation No.: 9716
Applicant: John S. YATES, Jr., et al.
Title: COMPUTER WITH NON-NATIVE OPERATING SYSTEM
Filed: January 28, 1999
Art Unit: 2127
Examiner: Kenneth Tang

Atty Docket: 114596-05-4013
Customer No. 38492

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant wishes to make of record the enclosed items, as listed on the accompanying Form PTO-1449. Applicant respectfully requests the Examiner to fully consider the items and independently ascertain their teaching before issuance of the next action, and to make them of record in the file. The Examiner is also requested to initial and return a copy of the enclosed Form PTO-1449 to evidence such consideration.

1. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated. Applicant reserves the right to establish the patentability of the claims over any information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This Information Disclosure Statement should not be construed as a representation that information more material to the examination of this application does not exist.

2. The references listed on the enclosed Form 1449 are references that have come to light in applications listed in the Information Disclosure Statement of November-December 2000. Applicant has

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on September 13, 2004 as First Class Mail in an envelope with sufficient postage addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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not reviewed all of them in detail. Of those that have been reviewed, none of the references are believed to be any more pertinent than the references provided in earlier IDS' and Forms 1449. However, in an abundance of caution, Applicant requests that they be considered.

3. The following references have been cited in previous IDS's and Forms 1449. They are presented now with more complete bibliographic information. These documents need not be reviewed again; Applicant merely suggests that the bibliographic information in the file be supplemented.

- Compaq Computer Corp., Compiler Writer's Guide for the Alpha 21264 (1999)
www.alphalinux.org/archives/axp-list/June1999/0475.html
- Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors," Proceedings of 30th Annual Intl. IEEE/ACM Symp. on Microarchitecture, pp. 292-302 (Dec. 1997)
- Kavi et al., A Performability Model for Soft Real-Time Systems, IEEE Proceedings of the 27th Annual Hawaii International Conference on System Sciences, pp. 571-579 (1994)
- Kim and Tyson: Analyzing the Working Set Characteristics of Branch Execution, Proceedings of the 31st Annual ACM/IEEE International Symposium on Microarchitecture, pp. 49-58 (Dec. 1998)
- M. Lipasti and J. Shen. Exceeding the Data-Flow Limit Via Value Prediction, 29th International Symposium on Microarchitecture, pages 226-237, IEEE (Dec. 1996)

4. This IDS and 1449 is cumulative of the IDS filed June 15, 2004. The June 1449 may be disregarded.

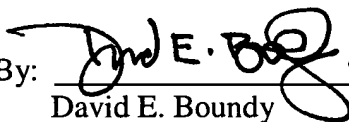
5. Charge the fee of \$180.00 due under C.F.R. §1.17(p) to Deposit Account 23-2405, Order No. 114596-05-4013.

6. The Commissioner is hereby authorized to charge any additional fees that may be required for this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 23-2405, Order No. 114596-05-4013.

Respectfully submitted,

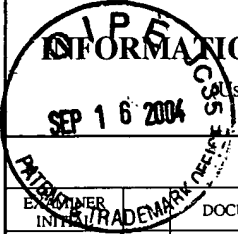
WILLKIE FARR & GALLAGHER LLP

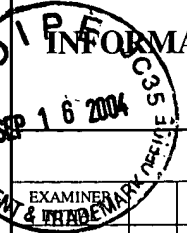
Dated: September 13, 2004

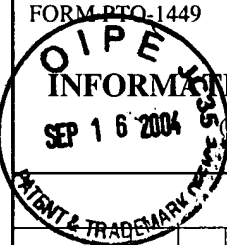
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FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 114596-05-4013		SERIAL NO. 09/239,194	
 INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT John S. YATES, Jr., et al.			
				FILING DATE January 28, 1999		GROUP ART UNIT 2127	
U.S. PATENT DOCUMENTS							
EXAMINER INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	4,412,303	10/25/1983	Barnes	712	16	Oct. 25, 1983	
	5,043,878	08/1991	Ooi	712	42		
	5,127,092	06/30/1992	Gupta	712	234	Jun. 15, 1989	
	5,339,422	8/16/1994	Brender	714	4	Mar. 7, 1991	
	5,386,563	01/31/1995	Thomas	712	228	Oct. 13, 1992	
	5,479,616	12/26/1995	Garibay	712	212	Apr. 3, 1992	
	5,507,028	04/09/1996	Liu	395	375	Jan. 9, 1995	
	5,613,114	3/1997	Anderson	718	108		
	5,613,118	03/18/1997	Heisch	395	709	Jun. 20, 1994	
	5,625,835	4/1997	Ebcioglu	712	23		
	5,628,016	05/06/1997	Kukol	717	140	June 15, 1994	
	5,659,782	08/19/1997	Senter	712	23	Sep. 16, 1994	
	5,764,947	06/09/1998	Murphy	703	20	Mar. 2, 1994	
	5,802,337	09/01/1998	Fielden	712	216	Dec. 29, 1995	
	5,854,913	12/29/1998	Goetz	712	210	Jun. 10, 1997	
	5,864,697	01/26/1999	Shiell	712	240	Jun. 27, 1997	
	5,903,750	05/11/1999	Yeh	712	236	Nov. 20, 1996	
	5,903,751	05/11/1999	Hoyt	395	585	Sep. 16, 1997	
	5,911,073	06/08/1999	Mattson	395	701	Dec. 23, 1997	
	5,960,198	09/28/1999	Roediger	717	130	Mar. 19, 1997	
	5,966,537	10/1999	Ravichandran	717	158		
	5,983,335	11/09/1999	Dwyer	712	23	Apr. 30, 1997	
	6,003,038	12/14/1999	Chen	707	103R	March 31, 1997	
	6,006,033	12/21/1999	Heisch	717	158	Aug. 15, 1994	
	6,029,222	02/22/2000	Kamiya	710	262	Jan. 10, 1997	
	6,047,390	04/2000	Butt	714	43		
	6,061,711	05/2000	Song	718	108		
	6,071,317	06/2000	Nagel	717	128		
	6,081,665	06/27/2000	Nilsen	717	116	Dec. 19, 1997	
	6,119,218	9/2000	Arora	712	207		
	6,202,205	03/13/2001	Saboff	717	9	Jul. 21, 1998	
	6,237,074	05/22/2001	Phillips	711	213	May 26, 1995	
EXAMINER			DATE CONSIDERED				

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U.S. PATENT DOCUMENTS							
EXAMINER	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	6,243,804	06/05/2001	Cheng	712	228	Jul. 22, 1998	
	6,260,191	07/10/2001	Santhanam	717	9	Apr. 7, 1997	
	6,289,445	09/2001	Ekner	712	244		
	6,295,644	09/25/2001	Hsu	717	9	Aug. 17, 1999	
	6,298,477	10/02/2001	Kessler	717	145	Oct. 30, 1998	
	6,308,318	10/23/2001	Krishnaswamy	717	139	Oct. 7, 1998	
	6,453,292	09/17/2002	Ramaswamy	704	235	Oct. 28, 1998	
	6,481,007	11/2002	Iyer	717	151		
	6,496,923	12/17/2002	Gruner	712	213	Dec. 17, 1999	
	6,549,930	04/15/2003	Chrysos	709	104	Nov. 26, 1997	
	6,571,331	05/27/2003	Henry	712	239	Apr. 3, 2001	
	6,631,514	10/07/2003	Le	717	137		
	6,631,518	10/07/2003	Bortnikov	717	158	Mar. 19, 1997	
	6,678,820	01/2004	Kahle	712	239	Mar. 30, 2000	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)							
		Ammons, Ball and Larus: Exploiting Hardware Performance Counters with Flow and Context Sensitive Profiling, Proceedings of the ACM SIGPLAN 1997 Conference on Programming Language Design and Implementation, pp. 85-96 (1997)					
		Brad Calder, Peter Feller, Alan Eustace, Value Profiling, Proceedings of 30th International Symposium on Microarchitecture (Micro-30), IEEE, pages 259-269 (December 1-3, 1997)					
		Compaq Computer Corp., Compiler Writer's Guide for the Alpha 21264 (1999) www.alphalinux.org/archives/axp-list/June1999/0475.html					
		Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors," Proceedings of 30th Annual Intl. IEEE/ACM Symp. on Microarchitecture, pp. 292-302 (Dec. 1997)					
		Reiner W. Hartenstein, Jürgen Becker: Performance Analysis in CoDe-X Partitioning for Structural Programmable Accelerators; Proc. of 5th Int'l Workshop on Hardware/Software Co-Design CODES/CASHE '97, Braunschweig, Germany, p. 141 (March 1997)					
		Hollingsworth, Critical Path Profiling of Message Passing and Shared-Memory Programs, IEEE Transactions on Parallel and Distributed Systems vol. 9, no. 10, pp. 1029-1040 (October 1998)					
		Intel Corporation, Intel Processor Family Developer's Manual (1997), vol. 3 (Architecture and Programming Manual), pages 3-1 to 3-3, 3-10 to 3-13, 12-1 to 12-27, 14-1 to 14-30					
EXAMINER				DATE CONSIDERED			

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(Use several sheets if necessary)					
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)					
			Jones, Puzzling with Microcode, ACM SIGARCH Computer Architecture News, vol. 11, no. 5, pp. 8-12 (1983)		
			Kavi et al., A Performability Model for Soft Real-Time Systems, IEEE Proceedings of the 27th Annual Hawaii International Conference on System Sciences, pp. 571-579 (1994)		
			Kim and Tyson: Analyzing the Working Set Characteristics of Branch Execution, Proceedings of the 31st Annual ACM/IEEE International Symposium on Microarchitecture, pp. 49-58 (Dec. 1998)		
			Monica S. Lam , Robert P. Wilson, Limits of Control Flow on Parallelism, Proceedings of the 19th Annual International Symposium on Computer Architecture, p.46-57 (May 1992)		
			Larus and Schnarr: EEL: Machine-Independent Executable Editing, EEL: Machine-independent executable editing. In Proceedings of the ACM SIGPLAN Conference on Programming Language Design and Implementation (PLDI), 1995		
			M. Lipasti and J. Shen. Exceeding the Data-Flow Limit Via Value Prediction, 29th International Symposium on Microarchitecture, pages 226-237, IEEE (Dec. 1996)		
			Magnusson and Werner, Efficient Memory Simulation in SimICS, Proceedings of the 28th Annual Simulation Symposium, IEEE, pp. 62-73 (1995).		
			Mueller, Rustagi and Baker: MiThOS - A Real-Time Micro-Kernel Threads Operating System, IEEE Real-Time Systems Symposium 1995: pp. 49-55 (1995)		
			Park et al., Evaluation of Scheduling Techniques on a SPARC-Based VLIW Testbed, Proceedings of the 30th annual ACM/IEEE international symposium on Microarchitecture, pp. 104-113 (1997)		
			Parkinson and Parameswaran, Profiling in the ASP Codesign Environment, Proceedings of the 8th International Symposium on System Synthesis, Cannes, France, p.128-133 (Sept. 1995)		
			Rizvi et al., Execution-Driven Simulation of a Superscalar Processor, IEEE Proceedings of the 27th Annual Hawaii International Conference on System Sciences, pp. 185-194 (1994)		
			Veen: Dataflow Machine Architecture, ACM Computing Surveys vol. 18 no. 4 pp. 365-96 (December 1986)		
EXAMINER			DATE CONSIDERED		